

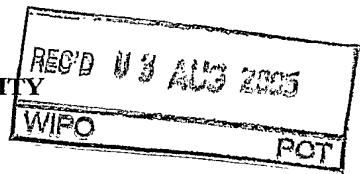
# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 742-269	<b>FOR FURTHER ACTION</b>	
	See Form PCT/IPEA/416	
International application No. PCT/US04/04616	International filing date (day/month/year) 17 February 2004 (17.02.2004)	Priority date (day/month/year) 18 November 2003 (18.11.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): B25B 13/46 and US Cl.: 81/63.1, 58.1		
Applicant JODA ENTERPRISES, INC.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 07 June 2005 (07.06.2005)	Date of completion of this report 06 July 2005 (06.07.2005)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	Authorized officer Joseph J. Hail III <i>Diane Smith</i> Telephone No. (703) 308-1078
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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/04616

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))  
 publication of the international application (under Rule 12.4)  
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished  
 the description:

pages 1-10 as originally filed/furnished  
 pages\* NONE received by this Authority on \_\_\_\_\_  
 pages\* NONE received by this Authority on \_\_\_\_\_

the claims:

pages 11-15 as originally filed/furnished  
 pages\* NONE as amended (together with any statement) under Article 19  
 pages\* NONE received by this Authority on \_\_\_\_\_  
 pages\* NONE received by this Authority on \_\_\_\_\_

the drawings:

pages 1/3-3/3 as originally filed/furnished  
 pages\* NONE received by this Authority on \_\_\_\_\_  
 pages\* NONE received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

Form PCT/IPEA/409 (Box No. I) (January 2004)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/04616

## Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive Step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial Applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

## 2. Citations and Explanations (Rule 70.7)

Claims 1-5, 7-10 and 14 lack novelty under PCT Article 33(2) as being anticipated by White as all the claimed structure is shown.

Claims 1-5, 7-10, 12, 16, 18, 19, 20 and 22 lack novelty under PCT Article 33(2) as being anticipated by Blank as all the claimed structure is shown.

Claims 1-5, 7-10, 12, 16, 18, 19, 23, and 26-28 lack novelty under PCT Article 33(2) as being anticipated by Huang as all the claimed structure is shown.

Claim 13 lacks an inventive step under PCT Article 33(3) as being obvious over White. The material of construction and the method of construction would have been obvious modifications to one skilled in the art.

Claims 13, 17, 24 and 25 lack an inventive step under PCT Article 33(3) as being obvious over Blank or Huang, for the reason stated above and to make the interconnection between the wheel and stud any non-round shape would have been obvious to one skilled in the art.

Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over White, Blank or Huang in view of Myers. To use an inwardly facing abutment surface instead of an outwardly facing one in view of Myers would have been a mere reversal of parts and would have been obvious to one skilled in the art.

Claim 11 lacks an inventive step under PCT Article 33(3) as being obvious over White in view of Matsubara et al. To use non-toothed ratchets would have been obvious in view of Matsubara et al as the use of rollers or other types of well-known ratchets would have been obvious to one skilled in the art.

Claim 20 lacks an inventive step under PCT Article 33(3) as being obvious over Blank or Huang in view of Matsubara et al. To use non-toothed ratchets would have been obvious in view of Matsubara et al as the use of rollers or other types of well-known ratchets would have been obvious to one skilled in the art.

Claim 15 lacks an inventive step under PCT Article 33(3) as being obvious over White in view of Roberts et al. or Chiu. To use a quick release mechanism in the wrench would have been obvious to one skilled in the art in view of either Roberts et al. or Chiu.

Claim 21 lacks an inventive step under PCT Article 33(3) as being obvious over Blank or Huang in view of Roberts or Chiu. To use a quick release mechanism in the wrench would have been obvious to one skilled in the art in view of either Roberts et al. or Chiu.

Claims 29 and 30 lack an inventive step under PCT Article 33(3) as being obvious over White, Blank or Huang in view of Wright. To use a ratchet type screwdriver would have been obvious to one skilled in the art in view of Wright.

Claims 1-30 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

## ----- NEW CITATIONS -----

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.  
PCT/US04/04616

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

**V.1. Reasoned Statements:**

The opinion as to Novelty was positive (Yes) with respect to claims 6, 11, 13, 15, 17, 21, 24, 25, 29 and 30

The opinion as to Novelty was negative (No) with respect to claims 1-5, 7-10, 12, 14, 16, 18-20, 22, 23 and 26-28

The opinion as to Inventive Step was positive (Yes) with respect to claims NONE

The opinion as to Inventive Step was negative (NO) with respect to claims 1-30

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-30

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE